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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- against - :

KARIEM BROADNAX, :

Defendant. :

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15 CR 878 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Court sentenced defendant Kariem Broadnax ("Broadnax") on March 22, 2019 to 210 months' imprisonment followed by 3 years' supervised release. (See "Judgment," Dkt. No. 131.) Broadnax is serving his sentence in FCI Allenwood.

By letter dated July 8, 2020, Broadnax requests immediate compassionate release pursuant to 18 U.S.C. Sections 3582(c)(1)(A) and (B) ("Section 3582"). (See "Motion," Dkt. No. 171.) Pursuant to the Court's Order, the Government responded on July 27, 2020. (See "Opposition," Dkt. No. 172.) Broadnax points to his health conditions, including asthma, and notes the dangers presented by the COVID-19 pandemic. This is Broadnax's second such motion; the Court previously denied his motion for compassionate release by Order dated May 13, 2020, because Broadnax had not demonstrated compliance with Section 3582's exhaustion requirements. (See "May 13 Order," Dkt. No. 166.)

The Court will deny the Motion. While Broadnax has apparently exhausted his administrative remedies (and the Government does not contend otherwise), the Court is not persuaded that extraordinary and compelling circumstances exist that would warrant a reduction in his sentence. See Section 3582(c)(1)(A). While moderate to severe asthma is a risk factor for COVID-19, Broadnax appears to suffer from a less serious form of asthma. (Opposition at 5-6.) Nor does Broadnax, who is only 31 years old, allege any other serious health conditions that would put him at increased risk. Furthermore, Broadnax does not argue that conditions at FCI Allenwood are particularly dangerous; as the Government argues, BOP has taken many steps to decrease the risk, and "there has never been a confirmed case of COVID-19 among the prisoner population" at Broadnax's facility. (Opposition at 5.)

Furthermore, even if Broadnax had established that extraordinary and compelling reasons warranted a reduction in his sentence, Section 3582 also requires that the Court consider the factors set forth in 18 U.S.C. Section 3553(a) before granting compassionate release. A consideration of these factors weighs strongly against granting release. Broadnax was instrumental in a homicide and personally participated in four separate robberies where physical force

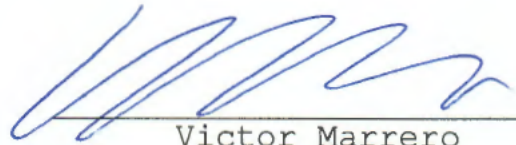
was used. (Opposition at 1-2.) The seriousness of his crimes merited the length of the sentence imposed. Reducing the sentence would promote neither respect for the law nor the principle of deterrence.

Accordingly, it is hereby

ORDERED that defendant Kariem Broadnax's motion for compassionate release (Dkt. No. 171) is **DENIED**. The Clerk of Court is directed to mail a copy of this Order to Kariem Broadnax, Register Number 92496-054, USP Allenwood, U.S. Penitentiary, P.O. Box 3000, White Deer, PA 17887 and note service on the docket.

SO ORDERED.

Dated: New York, New York
3 August 2020



Victor Marrero
U.S.D.J.